

OFFICIAL COPY

Fresno, California

July 18, 2000

The City Council met as the Redevelopment Agency at the hour of 8:53 a.m. and later in regular session in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Member/Acting Council President
	Chris Mathys	Member/Councilmember
	Henry Perea	Member/Councilmember
	Sal Quintero	Member/Councilmember
	Dan Ronquillo	Chair/Councilmember
	Ken Steitz	Member/Councilmember
	Tom Boyajian	Vice Chair/Council President

Daniel Fitzpatrick, Executive Director
Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JUNE 27, 2000

On motion of Member Quintero, seconded by Member Perea, duly carried, **RESOLVED**, the minutes of June 27, 2000, approved as submitted.

(“A”) CONSIDER AWARD OF A PROFESSIONAL SERVICES CONTRACT TO ASSIST COORDINATION OF TASKS RELATIVE TO THE PUBLICLY-OWNED DOWNTOWN MULTIPURPOSE STADIUM

Director Fitzpatrick reviewed the issue and staff report as submitted and responded briefly to questions of Member Mathys relative to grand jury recommendations. Member Mathys directed staff to schedule the grand jury recommendation for Agency/Council review of past performance of the Diamond Group at Bieden field when the final documents/lease comes back to the Agency.

On motion of Member Perea, seconded by Member Bredefeld, duly carried, **RESOLVED**, a Professional Services Agreement to assist coordination of tasks relative to the publicly-owned downtown multipurpose stadium hereby awarded to Matthew W. Kennedy/Architect, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Noes	:	Mathys
Absent	:	None
Abstain	:	Steitz

Member Steitz briefly left the meeting at 8:57 a.m.

(“B”) CONSIDER APPROVAL OF A CONSULTING SERVICES AGREEMENT WITH HdL COREN & CONE FOR PROPERTY TAX AUDIT SERVICES RELATIVE TO EACH OF THE ADOPTED REDEVELOPMENT PROJECT AREAS

Redevelopment Administrator Murphey briefly reviewed the issue and staff report as submitted.

On motion of Member Bredefeld, seconded by Member Perea, duly carried, RESOLVED, the agreement with HdL Coren & Cone for property tax audit services within each of the Redevelopment Project Areas hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

(“C”) CONSIDER AWARD OF CONTRACT FOR UTILITY IMPROVEMENTS FOR THE ROEDING BUSINESS PARK AREA (AREA BOUND BY BELMONT, WEST, NEILSEN AND WHITESBRIDGE AVENUES)

Agency Director Fitzpatrick briefly reviewed the issue and staff report as submitted.

On motion of Member Mathys, seconded by Member Quintero, duly carried, RESOLVED, a contract for utility improvements for the Roeding Business Park area hereby awarded to Floyd Johnston Construction in the amount of \$2,342,30, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

(“D”) APPROVE MATTERS RELATIVE TO AN OWNER PARTICIPATION AGREEMENT (OPA) FOR PROPERTY AT 302 N. THORNE IN THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA
1. AGENCY RESOLUTION NO. 1570 - WAIVING CERTAIN OWNER PARTICIPATION CRITERIA, SELECTING WILLIAM H. SLOAN, JR. AND JUNE E. SLOAN AS TRUSTEES OF THE SLOAN LIVING TRUST AS OWNER PARTICIPANTS, AND APPROVING THE OPA WITH THE OWNER PARTICIPANTS
2. AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE OPA

Agency Director Fitzpatrick briefly reviewed the issue and staff report as submitted.

On motion of Member Perea, seconded by Vice Chair Boyajian, duly carried, RESOLVED, the above entitled Agency Resolution No. 1570 hereby adopted, and the Executive Director authorized to execute the Owner Participation Agreement, and take such further actions as may be necessary or appropriate to carry out the Agency’s obligations under the Agreement, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

REQUEST FOR STATUS ON RTKL REPORT ON UPTOWN AREA AND STATE FUNDING FOR THE ARTE AMERICAS MUSEUM - MEMBER PEREA

Brief status report given by Director Fitzpatrick. Member Steitz returned at 9:02 a.m.

BIRTHDAY OF DIRECTOR FITZPATRICK

Birthday wishes and commendations were extended to Director Fitzpatrick by the Agency and staff.

- - - -

The Redevelopment Agency adjourned at 9:04 a.m. and the City Council convened in regular session at 9:06 a.m.

Pastor William Long, First Presbyterian Church, gave the invocation, and Councilmember Ronquillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF “KERMÁN COMMUNITY BAND DAY” - COUNCILMEMBER MATHYS

PROCLAMATION OF “SAROYAN ELEMENTARY SCHOOL DAY”

The above proclamations were read and presented.

COMMENDATION TO COUNCILMEMBER QUINTERO FOR HIS EFFORTS IN THE LOCATION OF RALPH’S FOOD STORE IN THE OLD K-MART SITE - PRESIDENT BOYAJIAN

Commendation made.

ANNOUNCEMENT AND INVITATION TO BASEBALL GAME BETWEEN THE COUNCIL AND CHANNEL 30 ON SATURDAY, JULY 21ST AT QUIGLEY PLAYGROUND - PRESIDENT BOYAJIAN

Announcement made.

- - - -

APPROVE MINUTES OF JUNE 27, 2000

1. AMEND MINUTES OF JUNE 13, 2000, BY APPROVING A CORRECTED MOTION AND VOTE ON ITEM 5A, PAGE 135-287

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the minutes of June 27th approved as submitted, and the minutes of June 13th amended by correcting the motion and vote on Item 5A, Page 135-287, to indicate the issue failed and showing President Boyajian voting “No” instead of “Aye”.

- - - -

APPROVE AGENDA:

DIRECT STAFF TO SCHEDULE A WORKSHOP ON DEMOLITION OF VACANT COMMERCIAL BUILDINGS
- PRESIDENT BOYAJIAN

Workshop set for August 15th at 11:00 a.m.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

ADOPT CONSENT CALENDAR:

(1A-1) AWARD CONTRACT TO VULCAN CONSTRUCTION IN THE AMOUNT OF \$122,675 FOR LIFT STATION NO. 3 ALTERATIONS

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Item**1A-1** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

(1A-2) RESOLUTION NO. 2000-205 - INTENT TO ANNEX TRACT NO. 4931 AS ANNEXATION NO. 23 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR AUGUST 22, 2000, AT 10:00 A.M.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-205 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Mathys
Absent	:	None

- - - -

(5A) REPORT FROM CITY ATTORNEY RELATING TO USE AND ENVIRONMENTAL IMPACTS OF PROPOSED CITY OF CLOVIS DECISION TO ALLOW CURB CUTS ON HERNDON AVENUE, AND DIRECT CITY ATTORNEY TO CONDUCT LEGAL RESEARCH ON WHETHER THE CITY MAY TAKE LEGAL ACTION TO STAY OR OVERTURN CLOVIS' DECISION TO PRESERVE THE CITY'S LEGAL INTERESTS - COUNCILMEMBER PEREA

City Attorney Montoy gave a brief oral update, advised COG was currently undertaking and conducting a report which would be completed sometime in September and stated she would provide a written report after receipt of the COG report which would contain the factual basis to give advice from a legal standpoint. Councilmember Perea stated his concern was whether Fresno had a legal standing with Ms. Montoy stating she would provide a tray memo on potential causes of action. Brief discussion ensued on an MOU relative to planning issues and the joint resolution with the City of Clovis, with Ms. Montoy responding to questions of Councilmember Ronquillo. There was no further discussion.

- - - -

(5C) * RESOLUTION NO. 2000-206 - 7TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$18,800 FROM DISTRICT 5'S GENERAL FUND INFRASTRUCTURE WHICH INCLUDES \$9,900 TO REPAINT LIGHT POLES ON HUNTINGTON BOULEVARD AND \$8,900 TO REPLACE COMPUTER EQUIPMENT AT AYNESWORTH AND BALDERAS ELEMENTARY SCHOOLS - COUNCILMEMBER QUINTERO

Councilmember Quintero briefly reviewed the issue.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-206 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

(5D) * RESOLUTION NO. 2000-207 - 10th AMENDMENT TO AAR 2000-183 APPROPRIATING \$5,300 OF DISTRICT 3'S GENERAL FUND INFRASTRUCTURE WHICH INCLUDES \$5,000 FOR THE COALITION FOR URBAN RENEWAL EXCELLENCE AND \$300 FOR WEST FRESNO SPORTS ASSOCIATION - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo briefly reviewed the issue.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-207 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

(5E) INTRODUCTION OF PROPOSED APPOINTMENT OF DAN ZACK TO THE TOWER DISTRICT SPECIFIC PLAN IMPLEMENTATION COMMITTEE - COUNCILMEMBER RONQUILLO

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the appointment of Dan Zack to the Tower District Specific Plan Implementation Committee introduced before the Council and laid over, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

- - - -

(5F) RESOLUTION - INCLUDING COUNCIL ASSISTANTS APPOINTED AS TEMPORARY STATUS EMPLOYEES FOR COVERAGE UNDER THE FRESNO CITY EMPLOYEES HEALTH AND WELFARE TRUST - COUNCILMEMBER PEREA

A motion was made by Councilmember Perea, seconded by Councilmember Bredefeld, to adopt the above resolution. City Manager Reid read a portion of a memo from the City Attorney stating there could be significant legal and financial consequences if approved and stressed research was needed to determine how this would affect other temporary employees. Upon question of Councilmember Perea, City Attorney Montoy advised her office could research the issue and provide a report in August.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the City Attorney directed to research the issue to determine consequences and prepare a report, with the report and above Resolution to be scheduled on the August 15, 2000, agenda for action, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

- - - -

(9:30 A.M.) HEARING ON REZONING APPLICATION NO. R-00-14 AND ENVIRONMENTAL FINDINGS, FILED BY RIVERVIEW ESTATES, PROPERTY LOCATED ON THE NORTH SIDE OF W. AUDUBON DRIVE BETWEEN N. MAROA AND W. NEES AVENUES - TRACT NO. 4487

1. BILL NO. B-46 - ORDINANCE NO. 2000-48 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/BP/UGM, R-1-C/BA-20/BP/UGM AND R-1-C/BP/UGM TO R-1/BA-20/UGM AND R-1/BP/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Lewis reviewed the issue and staff report as submitted and responded briefly to questions relative to the project being a planned unit development and proposed and adjacent residential zoning.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. R-00-014 hereby approved, and the above entitled Bill No. B-46 adopted as Ordinance No. 2000-48, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

- - - -

(5G) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2000-203 VETOED BY THE MAYOR JULY 10, 2000 - COUNCILMEMBER RONQUILLO

1. RESOLUTION NO. 2000-203 - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS THAT THE CHIEF ADMINISTRATIVE OFFICER (CITY MANAGER) SHALL BE APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE CITY COUNCIL

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above Resolution laid over one week, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

(3A) * BILL NO. B-45 - ORDINANCE NO. 2000-49 - REPEALING ORDINANCE NO. 80-108, AS AMENDED BY ORDINANCE NOS. 86-73, 91-18, 95-97 AND 95-98, AND ADOPTING ORDINANCE SETTING FORTH COMPENSATION OF ELECTIVE OFFICERS (COUNCIL SALARIES)

A motion was made to adopt the ordinance. Councilmember Steitz reiterated his opposition incorporating his comments from the last meeting and added he would collect signatures to place the matter on the ballot. Councilmember Mathys questioned the timeframe for collection of signatures and amount needed, stated he would assist Councilmember Steitz, and commented on public service. Councilmember Ronquillo clarified the salary increase would affect future Councils.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-45 adopted as Ordinance No. 2000-49, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

- - - -

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY LELAND SCOTT REGARDING COUNCIL APPROVAL OF THE CITY MANAGER AND OTHER ISSUES RELATIVE TO ELECTIVE OFFICERS AND STRONG MAYOR FORM OF GOVERNMENT

Appearance made **(2 - 0)**.

APPEARANCE BY RICKY GOODWIN REQUESTING CITY ASSISTANCE WITH PROBLEMS ENCOUNTERED WITH RENTAL HOUSING, POLICE, AND FRESNO AREA EXPRESS

Appearance made.

- - - -

RECESS - 9:50 A.M. - 10:10 A.M.

(10:00 A.M.) HEARING ON THE VACATION OF A PORTION OF N. WINERY SOUTH OF E. SHAW AVENUE - R.I. 1020-D

1. * RESOLUTION NO. 2000-208 - ORDERING THE VACATION OF A PORTION OF WINERY AVENUE SOUTH OF SHAW

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar briefly reviewed the issue as contained in the staff report.

Dirk Poeschel, 2310 Tulare Street, on behalf of Steve Sanders, spoke in support of the vacation, and along with Mr. Salazar responded to questions and comments relative to size of the property, Fresno/Clovis boundaries, and proposed use for the site.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-208 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-00-17 AND ENVIRONMENTAL FINDINGS, FILED BY ROBERT W. FROST OF LOMA LINDA UNIVERSITY, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF TULARE AND “U” STREETS

1. BILL NO. B-47 - ORDINANCE NO. 2000-50 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-4 AND C-6 TO C-6

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Koo briefly reviewed the issue as contained in the staff report.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Mr. Koo responded briefly to questions relative to the existing and proposed zoning and proposed use.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-47 adopted as Ordinance No. 2000-50, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

RECESS - 10:22 A.M. - 10:54 A.M.

(10:30 A.M.) REPLACEMENT OF OLIVE TREES ON PEACH AVENUE - COUNCILMEMBER QUINTERO

Brief oral report given by Parks & Recreation Director Primavera who recommended 90-inch box trees be purchased to replace the dead trees versus transplanting other trees. Mr. Primavera responded to questions of Councilmember Quintero relative to cost for the new trees, number of trees being replaced, tree sizes, and funding source to purchase the trees. Upon question of Councilmember Quintero, City Attorney Montoy stated it would be permissible to direct P & R staff to work with Budget to determine a funding source to purchase the trees and report back with a possible appropriation resolution, with Councilmember Quintero so directing and requesting staff report back in August at a time certain.

Barbara Hunt, 944 "F" Street, spoke to the issue. There was no further discussion.

- - - -

(10:45 A.M.) REPORT FROM PARKS RECREATION AND COMMUNITY SERVICES AND THE CITY ATTORNEY ON LETTER RECEIVED FROM CHRIS MARTIN OF GREECIAN GARDENS LANDSCAPING RELATIVE TO THE PILIBOS SOCCER PARK LANDSCAPING - COUNCILMEMBER QUINTERO

Councilmember Quintero gave a brief overview of the issue stating he scheduled the matter to obtain clarification on the use of bio-solids. Parks & Recreation Director Primavera stated the City did not have a contract with Grecian Gardens who was a subcontractor for the main contractor on the project, advised Grecian Gardens submitted a request to the City for a substitute soil amendment which was reviewed by staff and consultant Robert Boro who determined the requested green waste product was not an equal, and stated a determination was also made that bio-solids was not a health hazard as claimed by Mr. Martin and had been used elsewhere and explained.

Chris Martin, Grecian Gardens, Bakersfield, CA, spoke in opposition to the use of bio-solids, stressed this was a serious issue and there were health and liability factors to consider, and stated more research and discussion on the issue was needed and elaborated.

Upon question of Councilmember Quintero, City Attorney Montoy confirmed the City had no relationship with Grecian Gardens and that the issue was between and needed to be resolved by the contractor and subcontractor. Mr. Martin reiterated his concerns stating he did not want his company to be held liable. Brief discussion ensued on where bio-solids had been used, lack of information to Council on the subject, and a hold harmless agreement between the contractor and subcontractor, with Mr. Primavera, Mr. Martin and Ms. Montoy responding to questions and concerns. Councilmember Quintero clarified Mr. Martin's appearance was also to officially enter his comments and concerns into the record.

Speaking to the issue were: William Bland Jr., Agri-Fields Inc., 9316 N. Jade, Licensed Pest Control and Crop Advisor, who commented on compost products used in landscaping and agriculture and potential problems and associated risks with bio-solids; and Barbara Hunt, 940 "F" Street **(3 - 0)**.

Councilmember Ronquillo spoke in opposition to co-composting material and presented questions relative to where the product came from, if it was co-compost, cost difference between green waste and bio-solids, and what the problem was with the contractor switching the products, with Mr. Martin and Mr. Bland responding from their seats in the audience (whereby their responses were not recorded).

City Manager Reid read into the record a portion of Mr. Boro's letter of May 30th explaining why there was no support for the substitution even though there was a potential for cost savings. Mr. Bland responded stating Mr. Boro's report was in error and explained. President Boyajian and Ms. Montoy reiterated Council had no discretion as the issue was between the contractor and subcontractor and there was no further discussion or action taken

- - - -

(11:00 A.M.) FISCAL YEAR 2001 CITY OF FRESNO BUDGET:

A. *RESOLUTION - 11TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$250,000 FROM CONTINGENCY TO PUBLIC RELATIONS FOR RETAINER OF WASHINGTON LOBBYIST AND PUBLIC RELATIONS AND MARKETING EFFORTS TO SUPPORT AIR SERVICE DEVELOPMENT AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

B. *RESOLUTION NO. 2000-209 - 8TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$12,800 TO COVER THE COST OF THE PINEDALE COMMUNITY GUIDELINES AND STANDARDS STUDY

1. *RESOLUTION - 9TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$50,000 FOR CONVENTION CENTER VISITOR'S BUREAU SPECIAL EVENTS

C. AUTHORIZE THE CHIEF OF POLICE OR DESIGNEE TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) TO UNDERTAKE THE FACTS PROGRAM

1. *RESOLUTION NO. 2000-210 - 2ND AMENDMENT TO AAR 2000-183 APPROPRIATING \$216,300 TO UNDERTAKE THE FRESNO AREA COMPLETE TRAFFIC SYSTEM (FACTS) PROGRAM

D. *RESOLUTION NO. 2000-211 - 1ST AMENDMENT AAR 2000-183 APPROPRIATING \$571,700 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO PROVIDE FUNDING FOR THE HIDALGO PHASE II CAPITAL IMPROVEMENT PROJECT

1. AWARD A CONTRACT FOR RECONSTRUCTION OF N. MILLBROOK, N. EIGHTH, N. NINTH, E. WHITE, E. TURNER AND E. THOMAS AVENUE NEIGHBORHOOD STREETS - HIDALGO PHASE II

E. * RESOLUTION - 6TH AMENDMENT AAR 2000-183 APPROPRIATING \$50,000 TO RE-ESTABLISH A PERMANENT AUDITOR POSITION DELETED IN THE FY 2001 BUDGET

1. * RESOLUTION - 1ST AMENDMENT TO PAR 2000-184 RE-ESTABLISHING ONE INTERNAL AUDITOR POSITION

F. * RESOLUTION - 5TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$26,200 TO ADD AN ACCOUNTING TECHNICIAN POSITION TO THE RETIREMENT ADMINISTRATION DIVISION FOR ADMINISTRATION OF THE DEFERRED COMPENSATION PROGRAM

1. * RESOLUTION - 2ND AMENDMENT TO PAR 2000-184 ADDING AN ACCOUNTING TECHNICIAN POSITION IN THE RETIREMENT DIVISION

G. * RESOLUTION NO. 2000-212 - 12TH AMENDMENT TO AAR 2000-183 INCREASING COUNCIL INFRASTRUCTURE BUDGETS TO \$140,000 PER DISTRICT

1. * RESOLUTION - 13TH AMENDMENT TO AAR 2000-183 INCREASING THE POLICE DEPARTMENT BUDGET BY \$54,400 TO FUND THE ADDITION OF FOUR (4) POSITIONS IN THE DEPARTMENT

2. * RESOLUTION - 3rd AMENDMENT TO PAR 2000-184 ADDING FOUR POSITIONS TO THE POLICE DEPARTMENT

Councilmember Perea stated some of the material was received late, some resolutions needed further analysis and some were ready for adoption, and made a motion to approve Items “C”, “C-1”, “D”, “D-1” and “G”, and refer the remaining items to the Council Budget Committee for further review and recommendation to the Council in one week, which motion was seconded and later revised and acted upon.

Councilmember Steitz expressed his strong opposition to the motion stating Council was continuing to play games and urged Council to quit delaying emphasizing the matters needed to be moved forward and explained.

Barbara Hunt, 944 “”F Street, spoke to the issue.

Transportation/Airports Director Hayes clarified funding and issues of Item “A” and responded to Council questions.

Councilmember Perea corrected his motion to approve Items “B”, “C” & “C-1”, “D” & “D-1” and “G”, and refer Items “A”, “B-1”, “E” & “E-1”, “F” & “F-1”, and “G-1” & “G-2” to the Council committee. City Manager Reid stated with the proposal to delay certain items Council was not acting on the timeline promised to Mr. Hayes adding it was baffling why Mr. Hayes was not being supported.

Councilmember Steitz made a motion to act on each item separately which died for lack of a second.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-209 hereby adopted (**Item “B”**); the Police Chief authorized to execute an agreement with the State of California Office of Traffic Safety (OTS) to undertake the FACTS Program and the above entitled Resolution No. 2000-210 adopted (**Items “C” & “C-1”**); the above entitled Resolution No. 2000-211 adopted and a contract hereby awarded to Garcia Paving in the amount of \$813,544.50 to reconstruct N. Millbrook, N. Eighth, N. Ninth, E. White, E. Turner and E. Thomas Avenues (Hidalgo Phase II Capital Improvement Project - **Items “D” & “D-1”**); and the above entitled Resolution No. 2000-212 hereby adopted (**Item “G”**); and, BE IT FURTHER RESOLVED, that the above entitled **Items “A”, “B-1”, “E” & “E-1”, “F” & “F-1”, and “G-1” and “G-2”** laid over one week for further review by the Council Budget Subcommittee, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	None

- - - -

(11:30 A.M.) APPEARANCE BY BARBARA HUNT REGARDING PUBLIC TELEVISION

Appearance made; no action taken.

- - - -

LUNCH RECESS - 11:49 A.M. - 2:18 P.M.

(1B-1) * BILL - TEXT AMENDMENT NO. TA-00-03 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS PROPOSING TO ADD “BANQUET AND/OR CONFERENCE FACILITIES” AS A PERMITTED USE IN THE M-1-P ZONE DISTRICT SUBJECT TO A CONDITIONAL USE PERMIT (CUP) - SECTION 12-225.3-B

Councilmember Ronquillo stated after reading the staff report he still did not have enough information; questioned how much of the city was zoned M-1-P, the meaning of banquet and conference facilities, and facility sizes and parking requirements; stated his concern was he wanted downtown to be considered the city’s conference center to compete and explained; and made a motion to lay the matter over one week so he could review the issue further and talk with staff to determine ramifications. Planner Stiglich responded to Councilmember Ronquillo’s questions and to questions of Councilmember Quintero relative to adult book stores as a permitted use.

On motion of Councilmember Ronquillo, seconded by President Boyajian, duly carried, RESOLVED, the above entitled ordinance bill laid over one week, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, JORGE AGUINIGA, ANDREW SOUZA - EMPLOYEE ORGANIZATION: AMALGAMATED TRANSIT UNION (ATU), LOCAL 1027, IMPASSE

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

1. KIZER EASTER
2. RWYNE PROSSER

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: CLAYTON TURNER V. CITY OF FRESNO

(D) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT PARTICIPATION - GOVERNMENT CODE SECTION 54954.2, SUBDIVISION (a) - CASE NAME: FAIR HOUSING FOUNDATION OF LONG BEACH V. CITY OF LAKEWOOD

The Council met in closed session in Room 2125 at the hour of 2:25 p.m. to consider the above issues and reconvened in regular open session at 3:40 p.m.

- - - -

(3:00 P.M.) REQUEST CITY MANAGER OR DESIGNEE TO PREPARE NEXUS STUDY FOR FRIANT ROAD AND/OR FRIANT/41 INTERCHANGE IMPACT FEE(S) AND TIMELINE FOR COMPLETION OF STUDY - ACTING PRESIDENT BREDEFELD

City Manager Reid reviewed the background and status stating the issue needed to be approached regionally, advised there had been some actions which included meetings with COG, Caltrans and various entities, organizations and staff, reviewed the \$10 million in State funding for the northbound off-ramp project, stated a Project Study Report (PSR) was needed from Caltrans for the southbound on-ramp project and explained, and requested a majority vote of Council to move the request forward and for Council to join staff in their request to Caltrans to provide a PSR to determine costs. Councilmember Ronquillo left at 3:49 p.m. and returned later in the meeting.

Jeff Harris, Building Industry Association, 3435 W. Shaw, spoke to the issue stating it was regional in nature and needed to be clearly defined (**4 - 0**) and explained, and recommended meetings be held between City officials and Fresno County, Clovis and Caltrans to reinitiate the process to determine fair share costs adding the BIA was willing to participate in that process.

Councilmember Steitz advised COG would be receiving a report in September from Caltrans on the issue as it was a county-wide issue, stressed Caltrans should be the entity to conduct the study and justify fees and explained, emphasized Fresno should not be singled out for the fees, and stated the issue should be dealt with after COG receives the report in September.

Mr. Reid and Mr. Harris responded to questions of Acting President Bredefeld relative to timeline for staff to conduct the nexus if so directed, timeline and need for a PSR, if a nexus study was necessary, appropriateness of Council taking action this date, and support of the BIA for a study. Acting President Bredefeld made a motion to direct the City Manager as outlined above, which motion was seconded and later acted upon.

Mr. Reid and Councilmember Steitz responded to questions and comments of Councilmember Mathys relative to State funding for the 41 project, need to pursue State funds for large projects, the 206 project, and if a nexus study would be a duplication. Councilmember Mathys stated he would not support the motion stating state funding should be exhausted before spending local funds.

Discussion ensued. Councilmember Steitz stated timing was at issue and he felt a nexus study was premature and would be a detriment to Fresno and explained, and reiterated Caltrans should be doing the study on a regional basis. Acting President Bredefeld disagreed stating this would put Fresno in a leadership role, stressed nothing would get done if this were put off to another entity, and urged Council's support. Councilmember Perea stated the study was previously requested with the Cambridge vote, questioned the timeline for a study, Caltrans' comments on the issue and their policy, if Caltrans was the "bottleneck" on the issue, and fair share costs/numbers formulated by Caltrans, with Mr. Reid and City Attorney Montoy responding.

Staff was directed to place the PSR issue on the agenda in one week and request Caltrans (Mr. Bond) to attend and give an update. President Boyajian stated CEQA law was clear and the City as the lead agency could conduct a nexus study.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, **RESOLVED**, the City Manager directed to prepare a Nexus study for Friant Road and/or Friant/41 interchange impact fee(s), by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Boyajian
Noes	:	Mathys
Absent	:	Ronquillo
Abstain	:	Steitz

- - - -

(3:15 P.M.) * REQUEST CITY MANAGER OR DESIGNEE TO SET UP ACCOUNT TO ACCEPT PLEDGED MONIES FROM DEVELOPERS RELATIVE TO MITIGATION OF IMPACTS ON FRIANT ROAD AND/OR FRIANT/41 INTERCHANGE WITH THE MONEY TO BE HELD IN TRUST PENDING COMPLETION OF THE NEXUS STUDY - ACTING PRESIDENT BREDEFELD

Acting President Bredefeld gave a brief overview of the issue stating the pledged monies came up during the Cambridge vote and stated an account was needed to accept the money.

Jeff Harris, Building Industry Association, 3435 W. Shaw, stated his concern was establishing a fund before a Nexus study adding this would set an inappropriate precedent.

President Boyajian questioned the fee that was set by Caltrans with Acting President Bredefeld clarifying the issue and his request. Stating although she would generally concur with Mr. Harris that a Nexus study and a fixed fee was needed before collecting the fees, City Attorney Montoy clarified the City would not be establishing, imposing or conditioning a fee and that any monies pledged by developers would be strictly on a voluntary basis.

City Manager Reid stated he had never heard that lack of an account had been the barrier to collecting the pledged fees. Discussion ensued on the fees with Gary McDonald, Developer, clarifying the matter and his past pledge, and stated he would pledge \$85,000 for the Friant Road/Friant/41 interchange for a period of 18 months. Mr. Reid further clarified the issue and confusion and stated staff would open up an account, and upon question of Acting President Bredefeld stated no motion was necessary. Acting President Bredefeld commended Mr. McDonald for following through on his pledge stating it was a good faith move which hopefully would allay some of Council's fears and concerns.

Brief discussion ensued on whether UGM fees could be used for the Nexus study and who would control the fees collected, with Planning Manager Beach, Deputy Development Director Williamson and Mr. Reid **(5 - 0)** responding. Councilmember Steitz requested a legal opinion on the collection of fees without a study.

Councilmember Perea and President Boyajian commended Mr. McDonald for his integrity and for doing the right thing. Acting President Bredefeld clarified an account would be opened up and staff would be moving forward with the Nexus study. Mr. McDonald concurred with Mr. Reid that Caltrans was not in the position of imposing fees stating the City was the lead agency and the one who should establish a fee and explained. There was no further discussion.

- - - -

(3:30 P.M.) DIRECT THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE MOBILE HOME RENT REVIEW ORDINANCE TO ALLOW FOR ONE REGULAR RESIDENT MEMBER AND TWO ALTERNATE RESIDENT MEMBERS - ACTING PRESIDENT BREDEFELD

Marge Hinkly, MOPS, 288 E. Barstow #C, made the request and explained the need for the amendment. Councilmember Mathys commended Mrs. Hinkly for all her work and efforts.

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, staff directed to prepare an amendment to the Mobile Home Rent Review Ordinance to allow for one regular resident member and two alternate resident members, by the following vote:

Noes : None
Absent : Ronquillo

- - - -

(4:00 P.M.) APPROVE MORATORIUM ON ENFORCEMENT OF CURRENT SIGN ORDINANCE - COUNCILMEMBER STEITZ

1. * BILL - AMENDING SECTION 9-804, 13-906, 13-910 AND 13-911 OF THE FRESNO MUNICIPAL CODE RELATING TO SIGNS AND ADVERTISING STRUCTURES

Councilmember Steitz stated at issue was temporary signs and banners, advised he had received complaints about “selective enforcement”, stated he wanted a report from the City Attorney and staff and allow time for the City Attorney to prepare an ordinance, and clarified his request was for a 60 day suspension of civil code enforcement of the sign ordinance which would allow him to work with staff on discrepancies.

Director of Housing and Neighborhood Revitalization Quiring explained the enforcement process noting communication was part of it, and stated part of the problem could be businesses not complying after being cited and explained, with Councilmember Steitz advising of the complaints he has received.

Speaking in support of Councilmember Steitz’ request, expressing concerns, and/or requesting equal enforcement were: Tony Jaglassian, Owner, Global Transmissions, 3948 N. Blackstone; Tom Lubratich, 7273 N. Blackstone; Craig Killion, 4631 N. Blackstone; and Jeff Dippel, Auto Mart, 6562 N. Mariposa.

Councilmember Mathys stated the City needed to be business-friendly, concurred the enforcement issue needed attention, and stated he would support Councilmember Steitz.

At the request of Acting President Bredefeld, Ms. Quiring responded to the allegation of “selective enforcement”, with Mr. Killion responding to Ms. Quiring’s comments. Ms. Quiring and City Manager Reid responded to questions of Acting President Bredefeld relative to manpower, solutions and options to address the problem. Acting President Bredefeld stated blight was a problem but he empathized with the business owners, stressed he wanted fair enforcement, and stated he would not support Councilmember Steitz as another strategy was needed. Councilmember Ronquillo returned to the meeting at 5:20 p.m.

(6 - 0) Councilmember Perea stated he would not support a moratorium noting the city had a good sign ordinance, stated he felt it was time to integrate enforcement staff with the Development or Police Departments and questioned if there was any opportunity to do that and how it could be accomplished, with Mr. Reid and City Attorney Montoy responding. Ms. Montoy briefly commented on the history of the sign ordinance and after hearing testimony stated Councilmember Steitz might have worded his item as a “suspension” of the ordinance to allow staff to review the issue and report back with solutions.

Councilmember Quintero explained how businesses in his district along the Ventura/Kings Canyon corridor resolved the problem stating it was an on-going effort and was pretty successful.

Councilmember Steitz made a motion and urged Council’s support. Councilmember Perea offered a substitute motion which was declared inappropriate.

A motion of Councilmember Steitz, seconded by Councilmember Mathys, to (1) direct the City Attorney and staff to prepare a report on code enforcement relative to temporary signs and banners, (2) prepare an ordinance modifying those sections relating to temporary signs and banners, and (3) direct staff and the City Attorney to suspend the civil enforcement of the code for up to 60 days pending review of staff's report on code enforcement practices and any new ordinance that may be derived from that failed, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Absent	:	None

Councilmember Steitz left the meeting at 5:46 p.m.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Manager and the Director of Housing and Neighborhood Revitalization directed to report back in three weeks with options/alternatives for equal and fair city-wide enforcement of the sign ordinance, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Steitz

- - - -

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY EDDIE ECHOLS REQUESTING CITY ASSISTANCE RELATIVE TO SPEEDING BUSES ON FULTON STREET AND NOISE FROM GARBAGE TRUCKS AT 5:30 A.M.

Appearance made, brief discussion ensued, and no action was taken.

- - - -

CLOSED SESSION RESULTS

Relative to Item **2:00 P.M. "D"**, Friend-of-the-Court Participation, Fair Housing Foundation of Long Beach v. City of Lakewood, Council considered a request for amicus support of the League of California Cities relative to whether a city is obligated to renew its contract with a fair housing services provider when that provider is engaged in acts that are dishonest and anti-ethical to the city's interests, the Council approved the amicus support by a vote of 7-0; and relative to **"B"**, claims of Kizer Easter and Rwyne Prosser for alleged violation of civil and federal constitutional rights, sexual harassment and psychological damages in the amount of \$15 million each for an incident that occurred on or about May 6, 2000, in response to police officers' response to a silent alarm, Council rejected the claims by a vote of 7-0.

- - - -

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:53 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this _____ day of _____, 2000.

_____ ATTEST: _____	
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk